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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,879	03/26/2001	Harry Wiljan	Q62284	6749

7590 11/16/2005

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EXAMINER

HALPERN, MARK

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/720,879

Applicant(s)

WILJAN ET AL.

Examiner

Mark Halpern

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1) Acknowledgement is made of Amendment received 9/23/2005. Claims 11-30 are amended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2) Claims 11-19, 24-29, are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wiljan (5,377,917). Wiljan discloses pulping vessel 13 used to process waste paper. The vessel includes a central impeller 14, rotating about a vertical axis by means of motor 15 and belt 16, a centrally located perforate sieve located at the bottom of the vessel, a lock chamber 18 for removal of heavy substances. Wiljan discloses a raking device 22 associated with

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the pulping vessel 13, and comprises a tine carrier 23 by a support arm, the tine carrier is vertically adjustable and is provided with tines 23' (on a frame grid structure) which are adapted to be immersed below the liquid level 24 in the pulping vessel 13 to catch lightweight substances. The raking device has its own support structure independent of the pulping vessel, and reads on the claimed coarse dirt collector. The tine carrier 23 is pivotally movable for its immersed position shown in solid lines in Figure 4 to the position shown in dotted lines outside the pulping vessel so that the lightweight substances which have been caught will then fall from the tines onto a shredder for further processing. The pivotal movement is about an axis of rotation positioned at an angle to the plane that is vertical to the axis of the pulper vessel, or in least it would have been obvious to one skilled in the art at the time the invention was made that the pivotal movement is about an axis of rotation positioned at an angle to the plane that is vertical to the axis of the pulper vessel (col. 6, line 49 to col. 7, line 27, col. 10, lines 9-36, and Figures 2, 4).

Claims 18-19: the tines are fastened to the structure grid in a fixed manner, or it would have been obvious that the tines are fastened by screws.

Claim 24: support arm bent is disclosed in Figure 4.

3) Claims 20-23, 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiljan (5,377,917) in view of Wiljan (6,379,505).

Claim 20: Wiljan ('917) is applied as above for claim 11, Wiljan ('917) does not disclose that the pulper vessel includes a lid. Wiljan ('505) discloses a pulper as shown in Figure 1a. It would have been obvious, to one skilled in the art at the time the

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invention was made, to combine the teachings of both Wiljan references, because such a combination would provide for a means of controlling impurities falling into the pulper vessel of Wiljan ("917).

Claims 21, 23: the lid configuration is shown. It would have been obvious that the lid have a hood and that the lid be open since it has an opening and for good maintenance and operation of the vessel.

Claim 22: bin 28, shown in Figure 2, performs the function of a collecting funnel.

Claim 30: it would have been obvious that the system can be sealed for odor-resistance, since the Wiljan ('505) design includes a lid.

Response to Amendment

4) Claim 29 objection is withdrawn.

5) Claims 11-30, rejection under 35 U.S.C. 112, second paragraph, is withdrawn in view of amended claims.

6) Applicant's arguments filed 9/23/2005, have been fully considered but they are not persuasive.

Applicant alleges that the cited prior art, Wiljan, does not disclose a single unitary movement of the collector from its picking up position within the pulper up to its dropping position outside the pulper and back again, and that the cited prior art reference performs at least three different turnings.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

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(i.e., a single unitary movement of the collector from its picking up position within the pulper up to its dropping position outside the pulper and back again) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

7) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "M. Halpern", with a stylized, flowing script.

Mark Halpern
Primary Examiner
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